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Annex
ACTION-ORIENTED OBJECTIVES FOR STRENGTHENING
NUCLEAR SAFETY

Recognizing the importance of achieving the objectives of the International Atomic Energy Agency (IAEA) Action Plan on Nuclear Safety, which was endorsed at the IAEA General Conference in 2011;

Recognizing that strong and effective national regulation and independent regulatory bodies are critical to the safety of nuclear installations (that is any land-based civil nuclear power plant);

Affirming that the operator has the primary responsibility for the safety of the nuclear installation that it operates;

Recognizing the importance of openness and transparency as vital elements of a national framework regarding the safety of nuclear installations;

Noting that confidence in and acceptability of decisions concerning the safety of nuclear installations increase if the relevant parties are engaged in the decision-making process based on scientific and technical knowledge and if the process proceeds in an open manner;

Recognizing that it is essential to draw all possible lessons learned from the accident which occurred in Fukushima Daiichi Nuclear Power Station of Tokyo Electric Power Company (Fukushima accident) and that the comprehensive analysis of the feedback could take up to 10 years;

Noting that the Fukushima accident emphasized the importance of evaluating the likelihood and potential consequences of external events and taking the results of such evaluations into account in the design, siting, construction and operation of nuclear installations, as well as the development of procedures and implementation plans, including containment, for responding to any accident in an effective and coordinated manner and mitigating its consequences;

Recognizing that the IAEA Safety Standards can be used in conjunction with the adoption of best practices and the promotion of continuous improvement with respect to nuclear safety;

Acknowledging that IAEA Safety Standards are not legally binding on a Contracting Party, except to the extent that the Contracting Party has made specific provisions of the Standards legally binding under its national law;

Welcoming that the IAEA Safety Standards are being reviewed and revised especially in the light of the Fukushima accident and stressing the need for the Standards to be reviewed and revised as necessary in a continuous manner;

Recognizing that international peer review missions involving experts from other Contracting Parties can play an important role in achieving and maintaining a high level of safety with respect to nuclear installations;

Recognizing that fora of regulatory bodies, technical and scientific support organizations, and licensees can play an important role in advancing the culture of safety in countries by providing a forum for sharing best practices, and recognizing that these networks need to be strengthened;

Each Contracting Party is encouraged to:

1. Take the IAEA Safety Standards into account in enhancing nuclear safety.
2. Include information in its report under the Convention on Nuclear Safety (National Report) about how it has taken or intends to take the IAEA Safety Standards (including, in particular, the Safety Fundamentals and Requirements) into account in implementing its obligations under the Convention on Nuclear Safety.
3. Ensure that its regulatory body is effectively independent in making regulatory judgments based on scientific and technological grounds and taking enforcement actions and that it has functional separation from entities having responsibilities or interests, such as the promotion or utilisation of nuclear energy (including electricity production), that could conflict with safety or other important regulatory objectives or otherwise unduly influence the decision making of the regulatory body.
4. Ensure the effectiveness of its regulatory body by providing for adequate legal authority, sufficient human and financial resources, staff competence, access to necessary external expertise for its decision-making based on adequate scientific and technical knowledge, access to international cooperation, and other matters needed for fulfilling its responsibilities for the safety of nuclear installations.
5. Ensure that its regulatory body requires a licensee for a nuclear installation to have adequate expertise and resources to fulfill its responsibility for the safe operation of the nuclear installation, including effective response to any accident and mitigation of its consequences.
6. Ensure that its regulatory body operates in a transparent and open manner, taking into account legitimate concerns over security and other sensitive interests that might be adversely affected by the public disclosure of particular information.

7. Include information in its National Report on its efforts to ensure the independence, effectiveness and transparency of its regulatory body.
8. Host, as appropriate, an international peer review mission of its regulatory framework governing the safety of nuclear installations, if the Contracting Party has an operating nuclear installation.
9. Host regularly, as appropriate for the size and number of the nuclear installations within that Contracting Party, international peer review missions of the operational safety of its nuclear installations, if the Contracting Party has an operating nuclear installation.
10. Host international peer review missions on integrated nuclear infrastructure and other relevant matters, including site and design safety reviews prior to commissioning its first nuclear installation,
11. Include information in its National Report on any international peer review missions under paragraph 1, 2 or 3 of this section that the Contracting Party has hosted in the period between two review meetings of the Contracting Parties including a summary of the findings, recommendations and other results of the missions, actions taken to address these results, and plans for follow-up missions.
12. Make its National Report and any written questions and responses relating to that report publicly available, with the exception of any particular item of information that would adversely affect security or other sensitive interests if publicly disclosed and request the IAEA to maintain this information, other than any information covered by the above exception, on a website open to the public.
13. Make any international peer review mission reports, any follow-up reports or any national responses to such reports publicly available, with the exception of any particular items of information that would adversely affect security or other sensitive interests if publicly disclosed and request the IAEA to maintain this information, other than any information covered by the above exception, on a website open to the public.
14. Include information in its National Report on its efforts to enhance openness and transparency in the implementation of its obligations under the Convention on Nuclear Safety.
15. Enhance the robustness of the peer review of national reports submitted under the CNS through the preparation and submission of thorough reports that present successes and challenges and the frank discussion of these reports.



IAEA

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CONVENTION ON NUCLEAR SAFETY

Proposal for Amendments by the Swiss Confederation

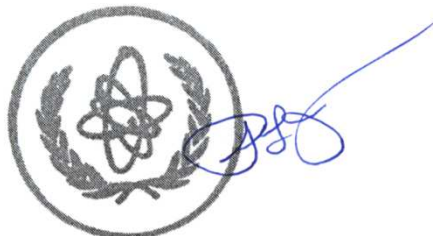
The Director General of the International Atomic Energy Agency, acting in his capacity as depositary of the Convention on Nuclear Safety (the Convention), communicates the following:

Reference is made to Article 32 of the Convention, whereby:

- “1. Any Contracting party may propose an amendment to this Convention. Proposed amendments shall be considered at a review meeting or an extraordinary meeting.
2. The text of any proposed amendment and the reasons for it shall be provided to the Depositary who shall communicate the proposal to the Contracting Parties promptly and at least ninety days before the meeting for which it is submitted for consideration. Any comments received on such a proposal shall be circulated by the Depositary to the Contracting Parties.
3. The Contracting Parties shall decide after consideration of the proposed amendment whether to adopt it by consensus, or, in the absence of consensus, to submit it to a Diplomatic Conference. A decision to submit a proposed amendment to a Diplomatic Conference shall require a two-thirds majority vote of the Contracting Parties present and voting at the meeting, provided that at least one half of the Contracting Parties are present at the time of voting. Abstentions shall be considered as voting.
4. The Diplomatic Conference to consider and adopt amendments to this Convention shall be convened by the Depositary and held no later than one year after the appropriate decision taken in accordance with paragraph 3 of this Article. The Diplomatic Conference shall make every effort to ensure amendments are adopted by consensus. Should this not be possible, amendments shall be adopted with a two-thirds majority of all Contracting Parties.
5. Amendments to this Convention adopted pursuant to paragraphs 3 and 4 above shall be subject to ratification, acceptance, approval, or confirmation by the Contracting Parties and shall enter into force for those Contracting Parties which have ratified, accepted, approved or confirmed them on the ninetieth day after the receipt by the Depositary of the relevant instruments by at least three fourths of the Contracting Parties. For a Contracting Party which subsequently ratifies, accepts, approves or confirms the said amendments, the amendments will enter into force on the ninetieth day after that Contracting Party has deposited its relevant instrument.”

In this connection, the Director General received on 26 April 2012 a letter on behalf of the Permanent Representative of the Swiss Confederation, transmitting the proposals for amendments to the Convention by the Swiss Confederation.

In accordance with Article 32, paragraph 2, of the Convention, the Director General is hereby circulating the proposed amendments to the Contracting Parties. As requested by the Swiss Confederation, the proposed amendments shall be considered at the extraordinary meeting of the Contracting Parties under the Convention, scheduled from 27 to 31 August 2012. Also, in accordance with Article 32, paragraph 2, of the Convention, any comments received from Contracting Parties on the proposed amendments shall be circulated by the depositary to the Contracting Parties in advance of the meeting.



2012-05-10

Enclosure: Proposals of the Swiss Confederation

Proposal to the Plenary Session on CNS Effectiveness Second CNS Extraordinary Meeting (August 2012)

Background and Rationale of the Proposal

Nuclear accidents have transboundary effects, politically and – in case of a major release of radioactivity – also radiologically. Therefore, the international nuclear community has a common interest and responsibility to prevent future accidents. Switzerland is convinced that this common responsibility requires the strengthening of the global nuclear safety regime by

- international leveling up of safety standards, taking into account the state of the art of science and technology, the operating and the regulatory experience;
- effective implementation of these safety standards in the countries;
- periodical reviews on the effective implementation of safety standards by international expert peer review missions in the fields of national regulatory framework and activities, NPP design and NPP operation.

Furthermore, the common international responsibility for nuclear safety requires full transparency in the reporting on these review missions and on the findings of the triennial CNS review meetings.

Proposed amendments to the CNS (changes in *italics*)

Art. 8 (Regulatory Body), new para. 3 and 4

3. Each Contracting Party shall take the appropriate steps to ensure that the regulatory body subjects itself periodically to a review by external experts with regard to its compliance with the requirements of the Agency.

Reason: The Fukushima accident demonstrated the importance of the effective implementation of Art. 8, para. 1 and 2, stipulating a competent and independent regulatory body provided with adequate authority and resources. The IAEA Action Plan on Nuclear Safety calls for regular reviews of the regulatory bodies in this respect, including periodical IRRS missions to Member States. In WENRA Member Countries this suggested para. 3 is already a legal requirement.

4. Each Contracting Party shall take the appropriate steps to ensure that the regulatory body's findings and decisions on the safety of nuclear installations are made available to the public.

Reason: According to the IAEA Action Plan on Nuclear Safety, transparency, the effectiveness of communication and the dissemination of information should be improved. This should include the information of the public.

Art. 14 (Assessment and Verification of Safety), amendment to sub-para. (i)

Each Contracting Party shall take the appropriate steps to ensure that:

- (i) comprehensive and systematic safety assessments are carried out before the construction and commissioning of a nuclear installation and throughout its life. Such assessments shall be well documented, subsequently updated in the light of operating experience, *of hazard assumptions which are reconsidered according to the state of the art of*

science and technology, and of other significant new safety information, and reviewed under the authority of the regulatory body;

Reason: The Fukushima accident demonstrated the importance of updated safety assessments including state-of-the-art hazard assumptions.

Art. 17 (Siting), amendment to sub-para. (iii)

(iii) for re-evaluating as necessary according to the state of the art of science and technology all relevant factors referred to in sub-paragraphs (i) and (ii) so as to ensure the continued safety acceptability of the nuclear installation;

Reason: The Fukushima accident highlighted the importance of state-of-the-art re-evaluations of the site-related factors likely to affect the safety of a nuclear installation and of the likely safety impact of a proposed nuclear installation on individuals, society and the environment.

Art. 18 (Design and Construction), new sub-para. (iv)

(iv) the design of a nuclear installation is reviewed by external experts with regard to its compliance with the requirements of the Agency.

Reason: The Fukushima accident demonstrated the importance of the adequate design of NPPs against extreme natural hazards. The IAEA Action Plan on Nuclear Safety calls the Member States for reassessing their NPPs' design against site specific extreme natural hazards and the IAEA Secretariat for supporting the Member States in this respect. Furthermore, the Action Plan requires the IAEA to strengthen its peer review services, including design safety reviews. Accordingly, design reviews by external experts should be embedded in the CNS.

Art. 19 (Operation), new sub-para. (ix)

(ix) the operational safety of a nuclear installation is periodically reviewed by external experts with regard to its compliance with the requirements of the Agency.

Reason: According to the IAEA Action Plan on Nuclear Safety, OSART missions should be hosted by Member States on a regular basis.

Art. 25, rename article ("Transparency" instead of "Summary Reports"), insert new para. on first position

1. The Contracting Parties make available to the public their reports to be submitted pursuant to Article 5 and the questions and comments received from other Contracting Parties during the review process pursuant to Article 20, paragraph 3;

2. ((previous para. 1)) The Contracting Parties shall adopt, by consensus, and make available to the public a document addressing issues discussed and conclusions reached during a meeting.

Reason: According to the IAEA Action Plan on Nuclear Safety, transparency, the effectiveness of communication and the dissemination of information should be improved. The Action Plan already provides for a mechanism to publicly report on the IAEA peer review missions. INFCIRC/572/Rev.3 encourages Member States to make public their national CNS reports as well as the questions and comments received from other Contracting Parties during the review process of these reports. Considering the Action Plan's transparency goals, it would be a logical step to include this INFCIRC/572 commitment in the CNS.

Art. 27 (Confidentiality), delete para. 3

3. The content of the debates during the reviewing of the reports by the Contracting Parties at each meeting shall be confidential.

Reason: According to the IAEA Action Plan on Nuclear Safety, transparency, the effectiveness of communication and the dissemination of information should be improved. Keeping the expert debates at the CNS review meetings confidential would contravene the Action Plan's transparency goals.

